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VIA ELECTRONIC SUBMISSION AND ELECTRONIC E-MAIL

Chairman Tom Wheeler
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Protecting and Promoting the Open Internet, GN Docket No. 14-28;
Preserving the Open Internet, GN Docket No. 09-191**

Dear Chairman Wheeler:

Today, I published a blog post titled "The FCC changed course on network neutrality. Here is why you should care" that discusses the proposed network neutrality rules. The post reacts to the confusion that was created by the disconnect between the press reports, the reactions claiming that network neutrality is dead and your statement that the new rules do not constitute a change in FCC policy.

The post makes four points:

1. Allowing access fees is a significant reversal from the FCC's earlier policies as set forth in the Open Internet Order.
2. Section 706 of the Telecommunications Act requires the FCC to allow access fees.
3. Allowing access fees is bad policy.
4. If the FCC is serious about protecting the Open Internet, it needs to start asking real questions about reclassification in its upcoming Notice of Proposed Rulemaking.

The post argues that the proposed rules, which rightly caused alarm among supporters of an Open Internet, are the logical outcome of your decision to use Section 706 of the Telecommunications Act to achieve the goal that we all share – protecting the Open Internet.

Fortunately, the FCC has another option: The FCC can reclassify Internet service as a telecommunications service and adopt network neutrality rules under Title II of the Telecommunications Act – rules that are unencumbered by the restrictions imposed by Section 706. To ensure that reclassification does not result in onerous regulation, the FCC should immediately forbear from applying those Title II provisions that are not necessary to protect consumers.

According to the Wall Street Journal, "[t]he commission has decided for now against reclassifying broadband as a public utility [...]. However, the commission has left the reclassification option on the table at present."

As the blog post explains, Section 706 seriously limits the FCC's ability to adopt meaningful network neutrality rules, so "leaving the reclassification option on the table" is not enough. If the FCC is serious about protecting the Open Internet, it needs to do its due diligence and seriously explore all available options, and that requires asking real questions about reclassification in the upcoming Notice of Proposed Rulemaking.

The post is attached to this letter and available online here: <http://cyberlaw.stanford.edu/blog/2014/04/fcc-changed-course-network-neutrality-here-why-you-should-care>.

Sincerely,

/s/ Barbara van Schewick

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cc:

Chairman Tom Wheeler
Commissioner Mignon Clyburn (via electronic mail)
Commissioner Michael O'Rielly (via electronic mail)
Commissioner Ajit Pai (via electronic mail)
Commissioner Jessica Rosenworcel (via electronic mail)
Jonathan Sallet
Gigi Sohn